

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

DANIELLE CUEVAS,

Plaintiff,

v.

LIVE NATION WORLDWIDE INC, a foreign corporation and subsidiary of Live Nation Entertainment Inc. doing business as The George Amphitheatre; DARON MALAKIAN, individually and the marital properties thereof if any; SERJ TANKIAN, individually and the marital properties thereof if any; SHAVO ODADJIAN, individually and the marital properties thereof if any; JOHN DOLMAYAN, individually and the marital properties thereof if any; and SYSTEM OF A DOWN an American Rock Band also known as SOAD also known as System; JOHN AND JANE DOES,

Defendants.

No. 2:CV-14-0290-SMJ

ORDER GRANTING PLAINTIFF'S MOTION TO REMAND

Before the Court, without oral argument, are Plaintiff Danielle Cuevas' Motion to Remand, ECF No. 4, and related Motion to Expedite, ECF No. 4-1. Plaintiff maintains that the amount in controversy in this matter does not exceed

\$75,000, and seeks to remand this case back to state court. Plaintiff also requests an award of costs and fees pursuant to 28 U.S.C. § 1447(c). Defendant Live Nation Worldwide Inc. stipulates to remanding the matter to state court but opposes any awards of fees and costs. ECF No. 6. The Court having reviewed the pleadings and file in this matter is fully informed.

As the parties agree that the amount in controversy does not exceed \$75,000, the Court finds that it does not have subject matter jurisdiction under 28 U.S.C. § 1332 and that remand of this matter to the Grant County Superior Court is proper. However, as Plaintiff made a demand for \$78,000, ECF No. 4 at 2, the Court finds Defendant had objectively reasonable grounds to believe that the amount in controversy in this matter was in excess of \$75,000, and therefore the Court finds that grounds existed to seek removal of this matter from state court. Accordingly, Plaintiff's request for award of costs and fees is denied.

Accordingly, **IT IS HEREBY ORDERED:**

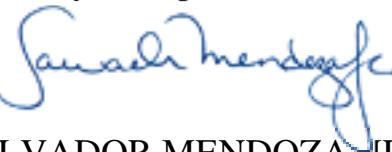
1. Plaintiff's Motion to Remand, **ECF No. 4**, is **GRANTED IN PART** (remand) **AND DENIED IN PART** (award of costs and fees).
2. Plaintiff's Motion to Expedite, **ECF No. 4-1**, is **GRANTED**.
3. This case is **REMANDED** to Grant County Superior Court, case number 14-2-01073-3.
4. All pending motions are **DENIED AS MOOT**.

5. All hearings and other deadlines are **STRICKEN**.

6. The Clerk's Office is directed to **CLOSE** this file.

IT IS SO ORDERED. The Clerk's Office is directed to enter this Order and provide copies to all counsel and the Grant County Superior Court.

DATED this 12th day of September 2014.



SALVADOR MENDOZA, JR.
United States District Judge